

U.S. Department
of Transportation

United States
Coast Guard



Commandant
U. S. Coast Guard

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May 3, 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Ref: CC Docket No. 92-166, Amendment to the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands

Dear Mr. Caton:

In accordance with 47 CFR Section 1.419, the U.S. Coast Guard submits the following Comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding.

The Coast Guard maintains operations centers (rescue coordination centers) at 46 Group offices located throughout the United States, plus similar centers at other locations. These rescue coordination centers provide emergency services for mariners. During 1993, the Coast Guard assisted 117,156 people and saved 5,378 lives. The property assisted was valued at 2.5 billion dollars. Coast Guard rescue coordination centers maintain emergency telephone numbers to allow people to report overdue vessels, observed boaters in distress or other emergencies. The Coast Guard will depend increasingly on 911 and Caller ID facilities to aid in prosecuting search & rescue cases, as well as in preventing hoaxes. There is a public expectation that any mobile or mobile satellite system that can be used like a telephone have the same emergency capability as a telephone. For example, this system must be capable of providing a public safety agency with the ability of identifying and locating an emergency caller, and returning calls to the mobile unit that initiated an emergency call.

Paragraph 139 of the Commission's Second Report and Order, in the matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket 90-314, stated that Enhanced 911 and related issues with regard to PCS, cellular, and any other relevant mobile service, would be considered in a separate proceeding. The Office of the Attorney General, State of Texas, in its Petition for Reconsideration in GEN Doc 90-314 asked that the carrier

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provide calling party location information to Enhanced 911 systems in a format the local Enhanced 911 system can interpret and use, and that a single, uniform standard for delivery of the calling party's location be developed. We request that these provisions also apply to mobile satellite systems developed as a result of this proceeding.

We also request that a Caller ID capability as described in the Commission's Report and Order in the matter of Rules and Policies Regarding Calling Number Identification Service - Caller ID, CC Docket 91-281, be provided with this mobile satellite system for calls made to a public agency's emergency telephone line.

Finally, we note that other safety issues need to be resolved, such as the format, routing and priority of emergency data-only calls, as well as the ability to reply to such calls, where data-only service is provided. We propose that these issues be considered in a separate proceeding, such as the one referenced in paragraph 139 of the Commission's Second Report and Order, GEN Docket 90-314.

Sincerely,



J. D. HERSEY
Chief, Spectrum Management and Radio
Regulatory Branch
Telecommunication Management Division
By Direction

Enclosure: Petition for Reconsideration of Second Report and
Order in GEN Docket 90-314, filed by Texas Office of
Attorney General.

Copy: FCC CCB
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Texas Office of Attorney General



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FCC - MAIL ROOM

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December 7, 1993

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BY OVERNIGHT MAIL

Office of the Secretary
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1919 M Street, Room 222
Washington, D.C. 20554

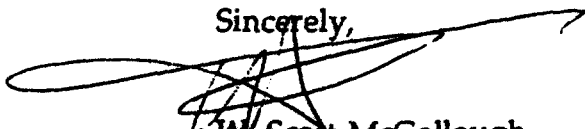
RE: *In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services*, GEN Docket No. 90-314, RM-7140, RM-7175, RM-7618; TX-ACSEC's Petition for Reconsideration of Second Report and Order

Dear Commission Secretary:

Enclosed are an original and twelve (12) copies of a Petition for Reconsideration of the Commission's Second Report and Order in the above-mentioned proceeding, filed by this Office on behalf of the Texas Advisory Commission on Emergency Communications. Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely,


W. Scott McCollough
Asst. Attorney General
State of Texas
Counsel for TX-ACSEC

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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DEC 8 1993

90-314

In the Matter of)
Amendment of the Commission's)
Rules to Establish New Personal)
Communications Services)

GEN Docket No. 90-314 FCC - MAIL ROOM

RM-7140, RM-7175, RM-7618

PETITION FOR RECONSIDERATION

NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS (TX-ACSEC), by and through DAN
MORALES, the Attorney General of Texas, and submits this PETITION FOR
RECONSIDERATION of the Commission's Second Report and Order, released
October 22, 1993 (FCC 93-451). TX-ACSEC is authorized to state that the 9-1-1
program authorities in the states of California, Massachusetts, New Hampshire, New
Jersey, New Mexico, Washington and Oregon concur with this Petition.

INTRODUCTION

TX-ACSEC is the authority in the State of Texas that is responsible for
administering the implementation of statewide 9-1-1 service; developing minimum
performance standards for equipment and operation of 9-1-1 services; and, allocating
available funds to assist in the creation and operation of 9-1-1 services in all areas of
Texas. See, TEXAS HEALTH & SAFETY CODE § 771.051 (VERNON'S ANNOT. CODE 1993).
TX-ACSEC is vitally interested in ensuring that Texas citizens, and those travelling
in our state, are able to obtain rapid emergency assistance through communications
by dialing 9-1-1, regardless of the communications technology used to originate the
emergency call.

Public safety agencies in Texas and throughout the nation have invested vast sums in equipment, personnel, training and communications networks to facilitate emergency response through 9-1-1. A major effort has been made to use the intelligence in the communications network or in computer technology to allow the location of the calling party to be rapidly and automatically identified, even when the calling party does not know his or her location or is unable to orally communicate with the Public Safety Answering Point.

This immense and vital effort must not be undermined or made considerably more difficult or expensive by wireless services, which are expected to become a major means of communications and will be interconnected with the landline network. Although the FCC mentioned the impact of wireless services on E-911 in the Second Report and Order (and "said the right things") TX-ACSEC submits that **action** is required. Words and expressions of concern are not sufficient to ensure that lives are not put at risk by ill-considered or inconsistent technical standards and interconnection requirements for wireless systems and services; substantive action is required.

TX-ACSEC therefore respectfully requests that the FCC amend its rules to establish substantive technical and operational requirements pertaining to 9-1-1 interconnection and location information delivery for PCS licensees as part of this proceeding. In the alternative, TX-ACSEC requests that the FCC promptly institute a proceeding "to address E-911 and related issues with regard to PCS, cellular, and any other relevant mobile service." *Second Report & Order*, ¶ 139. It is imperative that the

existing situation -- where cellular and other mobile services that interconnect with the public switched network do not provide any caller location information -- not be repeated with PCS, and should be promptly rectified for existing services. ¹

RECONSIDERATION POINTS

1. The Commission should grant reconsideration and adopt rules that condition issuance of a license on a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use.
2. The Commission should grant reconsideration and amend its rules to impose a substantive requirement that a single, uniform standard for delivery of the calling party's location be developed, and that the standard setting bodies consult with NENA and APCO in developing this standard.

ARGUMENT ON POINT 1

The Commission should grant reconsideration and adopt rules that condition issuance of a license on a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use.

The Commission stated its intention was to "ensure that all mobile services are provided with the highest quality at reasonable rates and to the greatest number of consumers." *Second Report & Order*, ¶ 5. A major goal of PCS was universality. *Id.* The Commission discussed in detail its expectations and the predictions of the commentators regarding the large demand for PCS, both in new ways and as a partial replacement of the traditional landline network. ¶¶ 14-19, *see*

¹ TX-ACSEC recognizes that it may not be procedurally permissible for the FCC to address cellular and wireless mobile licensees and rules in this docket, and a more focussed proceeding on E-9-1-1 and all wireless or radio services that interconnect with the landline network may be appropriate. Our concern is that the experience with cellular not be repeated, and that it be made clear that PCS service will be required to provide adequate location information about the calling party to the public safety answering point from the outset.

also, note 11. It is obvious that PCS will be interconnected with the traditional landline network and many calls will undoubtedly originate from wireless sets. Some portion of those calls will be emergency related and directed to 9-1-1.

Under present law landline carriers are required to provide connections to 9-1-1 systems and transmit calls and location identification information to Public Safety Answering Points. See, e.g., TEXAS HEALTH & SAFETY CODE § 772.118 (VERNON'S ANNOT. CODE, 1993). These laws, however, do not cover wireless services. The FCC has proposed to pre-empt any state laws that regulate wireless providers, see, *Implementation of Sections 3(n) and 332 of the Communications Act; Regulatory Treatment of Mobile Services*, GEN Docket 93-252, Notice of Proposed Rulemaking (Released Oct. 8, 1993), ¶¶ 69-71,² so any attempt by states to amend their 9-1-1 laws to require interconnection and location information delivery by wireless providers may be fruitless.

The FCC must impose a substantive requirement that PCS licensees provide location information on persons calling 9-1-1 to the Public Safety Answering Point, and in a format the 9-1-1 provider can interpret and use. The Commission is authorizing a new technology that will in some respects replace existing landline services. Present state law requires landline providers to interconnect with 9-1-1 and

² In that Notice, the Commission expressed the view that "most broadband and many narrowband PCS services will involve interconnected service to the public or large segments of the public." *Id.*, ¶ 45. With such extensive use and interconnection, it can hardly be argued there will be few 9-1-1 calls from wireless services.

transmit location information. The FCC is proposing to pre-empt state law, so it must fill the void as it pertains to required transmission of location information by wireless providers to 9-1-1 systems. Lives are in the balance; while the discussion in paragraph 139 says the right thing, it does nothing substantive other than provide some incentive for standards setting bodies to set one or more standards. Even if there are standards, however, there must be a duty, under force of law, for licensees to follow that standard and transmit the information.

ARGUMENT ON POINT 2

The Commission should grant reconsideration and amend its rules to impose a substantive requirement that a single, uniform standard for delivery of the calling party's location be developed, and that the standard setting bodies consult with NENA and APCO in developing this standard.

The FCC should explicitly require the standards setting bodies to devise a single standard, that is uniform across all wireless technologies, for delivery of calling party location information. It would be unreasonable to require local political subdivisions to expend precious resources to configure their systems to be compatible with a multitude of signalling protocols and interfaces. The Commission must impose a substantive requirement that there be one standard, transparent to all wireless technologies, that results in the delivery of location information in a format the public safety answering point can interpret and use.

It is important that the Commission require that the standard result in information 9-1-1 systems can interpret and use. These systems are currently somewhat limited in the formats of the data delivery stream they can interpret. For example, 9-1-1 was required to obtain a waiver from the Justice Department under the Americans with Disabilities Act because their TDD response systems cannot accept data in ASCII format -- at present they can only accept Baudot.

To ensure that the standard will work for 9-1-1 systems, the Commission will need to designate contacts or representatives from the public safety community. The National Emergency Number Association (NENA) and Associated Public-Safety Communications Officers, Inc. (APCO) are two organizations that represent the public safety community and have expertise in communications. These two organizations have recently undertaken a cooperative effort to address the issues of calling party number/location information delivery by wireless providers. TX-ACSEC therefore suggests that NENA and APCO be the designated representatives of 9-1-1 for purposes of working with standards setting bodies on these issues.

TX-ACSEC is not asking the Commission to establish the standard; we only request a requirement but that there be a uniform standard, with a format 9-1-1 providers can interpret and meaningfully use without going to great expense to reconfigure networks and purchase new equipment.

ALTERNATIVE REQUEST

If the Commission does not grant reconsideration as requested herein, it should immediately initiate a proceeding to address E-9-1-1 and related issues with regard to PCS, cellular and other relevant mobile services.

TX-ACSEC is aware of the Commission's statement in paragraph 139 that it intends to initiate a proceeding to consider wireless services and E-9-1-1. If the FCC chooses to not grant this Petition for Reconsideration, then it should immediately initiate that proceeding and provide a forum and procedural vehicle to ensure that the issues are resolved "while [PCS] equipment is still in the design stage", *Id.*, so that the cellular experience is not repeated. This approach would have the salutary benefit of addressing all wireless services, and hopefully solve the existing major problem of the failure to provide caller location information when cellular or mobile services are used.

CONCLUSION


It is imperative that the FCC amend its rules to impose a substantive requirement that PCS providers transmit location information of subscribers that dial 9-1-1. Further, the Commission should, in its rules, require the standards setting bodies to work with NENA and APCO and devise a single, uniform standard for delivery of location information in a format that 9-1-1 systems can interpret and use. Accordingly, the FCC should grant this Petition for Reconsideration and amend its rules to implement these two essential mandates. In the alternative, the Commission should immediately institute a proceeding to address this issue, as it pertains to PCS,

cellular and other mobile services. The public safety, health and welfare require no less.

Respectfully submitted,

DAN MORALES
Attorney General of Texas

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Assistant Texas Attorney General
State Bar No. 05072500
Chief, Consumer Protection Division



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**Office of the Attorney General
State of Texas**

FEDERAL COMMUNICATIONS COMMISSION
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December 8, 1993

Kelso King, Utility Specialist
Claudio R. Sanchez CFE, Chief Auditor

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

VIA FACSIMILE [REDACTED]

RE: *In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services*, GEN Docket No. 90-314, RM-7140, RM-7175, RM-7618; TX-ACSEC's Supplemental Petition for Reconsideration of Second Report and Order

Dear Commission Secretary:

Please accept this letter as a supplement to the Texas Advisory Commission on State Emergency Communications' (TX-ACSEC's) Petition for Reconsideration of the Commission's Second Report and Order in the above-mentioned proceeding, which was submitted (via overnight mail) for filing on this date. The first paragraph of the pleading contained this sentence:

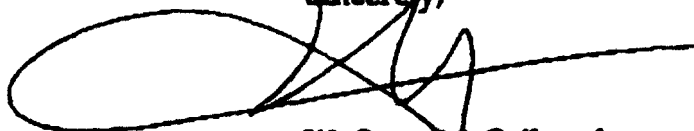
TX-ACSEC is authorized to state that the 9-1-1 program authorities in the states of California, Massachusetts, New Hampshire, New Jersey, New Mexico, Washington and Oregon concur with this Petition.

Since the time the pleading was mailed, some additional state 9-1-1 program authorities have requested to be included in the list of states that support TX-ACSEC's Petition for Reconsideration. The additional states are Maryland, Minnesota, South Dakota and Vermont. Accordingly, by this letter, we request leave to supplement the filing to add these states. As supplemented, the sentence should read.

TX-ACSEC is authorized to state that the 9-1-1 program authorities in the states of California, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, South Dakota, Washington, Vermont and Oregon concur with this Petition.

Please bring this supplement to ACSEC's Petition for Reconsideration to the attention of the Commission. Thank you for your attention to this matter, and for accepting a facsimile filing.

Sincerely,

A handwritten signature in black ink, consisting of a large, loopy 'W' followed by 'Scott McCollough' in a cursive script.

W. Scott McCollough
Asst. Attorney General
State of Texas
Counsel for TX-ACSEC

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